

# HOUSE BILL REPORT

## HB 1553

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**As Reported by House Committee On:**  
Health Care & Wellness

**Title:** An act relating to a controlled substances prescription monitoring program.

**Brief Description:** Establishing a controlled substances prescription monitoring program.

**Sponsors:** Representatives Hinkle, Morrell, Moeller, Seaquist, Curtis, Linville, Green and Ormsby.

**Brief History:**

**Committee Activity:**

Health Care & Wellness: 2/19/07, 2/22/07 [DPS].

**Brief Summary of Substitute Bill**

- Establishes a program for electronically monitoring prescribing practices related to controlled substances.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Cody, Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow, Campbell, Condotta, Curtis, Green, Moeller, Pedersen and Seaquist.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Schual-Berke.

**Staff:** Chris Blake (786-7392).

**Background:**

The Department of Health (Department) maintains a triplicate prescription form program that may be imposed upon health care providers with prescription or dispensing authority. Any disciplining authority may require that a license holder participate in the program as part of a disciplinary action or supervised practice arrangement. Under the program, when prescribing or dispensing drugs specified by the disciplining authority, the provider must provide the

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original prescription to the patient, retain a copy for potential inspection purposes, and submit a copy to the Department on a monthly basis.

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**Summary of Substitute Bill:**

The Department shall establish a web-based, interactive prescription drug monitoring program. The program shall monitor the prescribing and dispensing of all Schedule II-V controlled substances and any other drugs that present a potential for abuse as determined by the Board of Pharmacy. The reporting requirement applies to all licensed health care providers that may dispense such drugs. There are exemptions for medications that are provided to patients admitted to a hospital and for pharmacies operated by the Department of Corrections.

Within a year of the effective date of the act, dispensing providers must submit specified information electronically to the Department. The information that must be submitted includes: patient identifiers; the drugs dispensed and the date and quantity; the prescriber's identity; and the dispenser's identity.

Data submitted to the Department is not subject to public disclosure and must remain confidential except as otherwise provided. The Department may review the information submitted by any provider and notify appropriate law enforcement agencies and licensing entities where there is reasonable cause to believe that a violation of law or breach of professional standards has occurred. The Department may also disclose prescription information to:

- health care providers who are authorized to dispense or prescribe controlled substances for the purpose of providing medical or pharmaceutical care;
- the person who is the subject of the information;
- health profession credentialing entities;
- local, state, and federal law enforcement or prosecutorial officials engaged in a bona fide specific investigation of a designated person;
- authorized practitioners of the Department of Social and Health Services with respect to a Medicaid program recipient;
- entities under a grand jury subpoena or court order; and
- Department personnel for administering the program or enforcing the controlled substances laws.

Dispensers and practitioners are immune from civil, criminal, or administrative immunity when conducting activities related to the information in good faith.

The Department shall establish and implement the program as funds are available from state and federal sources.

**Substitute Bill Compared to Original Bill:**

The substitute bill exempts medications provided to patients admitted to a hospital as well as pharmacies operated by the Department of Corrections. The Department must develop and implement the prescription drug monitoring program as funds are available from state and federal sources.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill will help stem the tide of drug-seeking behavior. Having information about how people visit various doctors to obtain drugs will help practitioners identify individuals who are abusing prescription drugs. There is federal grant money to assist in the establishment of the program.

(Concerns) For large hospitals to be able to track the information will raise workload costs to hospitals, so hospitals should be exempt.

(Opposed) This bill goes beyond simply allowing providers to share information with each other and allows sharing the information with government agencies and law enforcement entities. There are no provisions to allow patients to choose to protect the privacy of their information.

**Persons Testifying:** (In support) Representative Hinkle, prime sponsor; Carl Nelson, Washington State Medical Association; and Don Williams.

(Concerns) Laurie Jenkins, Department of Health; and Jackie Der, University of Washington Medicine.

(Opposed) Jennifer Shaw, American Civil Liberties Union, Washington.

**Persons Signed In To Testify But Not Testifying:** None.